

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ALONZO GRANT and STEPHANIE GRANT,

Plaintiffs,

vs.

CITY OF SYRACUSE; SYRACUSE POLICE
DEPARTMENT, POLICE OFFICERS DAMON
LOCKETT and PAUL MONTALTO, POLICE OFFICER
BRIAN NOVITSKY, CHIEF OF POLICE FRANK
FOWLER and Does 1-100,

Defendants.

Civil Action No.:
5:15-CV-445 (LEK/TWD)

PROPOSED VERDICT SHEET

We, the jury, unanimously make the following findings:

I. ALONZO GRANT’S FALSE ARREST/FALSE IMPRISONMENT CLAIMS

a. Officer Damon Lockett

- i. Did Alonzo Grant prove by a preponderance of the evidence that Officer Lockett arrested him?

_____ No

_____ Yes

If NO, proceed to question I(b).

If YES, proceed to question I(a)(ii).

- ii. Did Alonzo Grant prove by a preponderance of the evidence that the arrest was unlawful in that Officer Lockett lacked probable cause to arrest him for *Domestic Disorderly Conduct, Harassment in the Second Degree, or Resisting Arrest*?

_____ No

_____ Yes

If NO, proceed to question I(b).

If YES, proceed to question I(a)(iii).

- iii. Did Alonzo Grant prove by a preponderance of the evidence that he suffered some actual compensatory damages that were proximately caused by his arrest?

_____ No _____ Yes

If NO, proceed to question I(b).

If YES, state amount \$ _____
proceed to question I(a)(iv).

- iv. Do you award nominal damages of one dollar?

_____ No _____ Yes

If NO, proceed to question I(b).

If YES, proceed to question I(a)(v).

- v. Did Officer Lockett prove by a preponderance of the evidence that it was objectively reasonable for him to believe that his actions were not violating Mr. Grant's constitutional rights?

_____ Yes _____ No

Proceed to question I(b).

b. Officer Paul Montalto

- i. Did Alonzo Grant prove by a preponderance of the evidence that Officer Montalto arrested him?

_____ No _____ Yes

If NO, proceed to question I(c).

If YES, proceed to question I(b)(ii).

- ii. Did Alonzo Grant prove by a preponderance of the evidence that the arrest was unlawful in that Officer Montalto lacked probable cause to arrest him

for Domestic Disorderly Conduct, Harassment in the Second Degree, or Resisting Arrest?

_____ No _____ Yes

If NO, proceed to question I(c).

If YES, proceed to question I(b)(iii).

- iii. Did Alonzo Grant prove by a preponderance of the evidence that he suffered some actual compensatory damages that were proximately caused by his arrest?

_____ No _____ Yes

If NO, proceed to question I(c).

If YES, state amount \$_____

proceed to question I(b)(iv).

- iv. Do you award nominal damages of one dollar?

_____ No _____ Yes

If NO, proceed to question I(c).

If YES, proceed to question I(b)(v).

- v. Did Officer Montalto prove by a preponderance of the evidence that it was objectively reasonable for him to believe that his actions were not violating Mr. Grant's constitutional rights?

_____ Yes _____ No

Proceed to question I(c).

c. Sergeant Brian Novitsky

- i. Did Alonzo Grant prove by a preponderance of the evidence that Sergeant Novitsky arrested him?

_____ No _____ Yes

If NO, proceed to question II.

If YES, proceed to question I(c)(ii).

- ii. Did Alonzo Grant prove by a preponderance of the evidence that the arrest was unlawful in that Sergeant Novitsky lacked probable cause to arrest him for *Domestic Disorderly Conduct, Harassment in the Second Degree, or Resisting Arrest*?

_____ No

_____ Yes

If NO, proceed to question II.

If YES, proceed to question I(c)(iii).

- iii. Did Alonzo Grant prove by a preponderance of the evidence that he suffered some actual compensatory damages that were proximately caused by his arrest?

_____ No

_____ Yes

If NO, proceed to question II.

If YES, state amount \$_____

proceed to question I(c)(iv).

- iv. Do you award nominal damages of one dollar?

_____ No

_____ Yes,

If NO, proceed to question II.

If YES, proceed to question I(c)(v).

- v. Did Sergeant Novitsky prove by a preponderance of the evidence that it was objectively reasonable for him to believe that his actions were not violating Mr. Grant's constitutional rights?

_____ No

_____ Yes

Proceed to question II.

II. ALONZO GRANT'S EXCESSIVE FORCE/ASSAULT AND BATTERY CLAIMS

a. Officer Lockett

- i. Did Alonzo Grant prove by a preponderance of the evidence that Officer Lockett used force against Alonzo Grant?

_____ No

_____ Yes

If NO, proceed to question II(b).

If YES, proceed to question II(a)(ii).

- ii. Did Alonzo Grant prove by a preponderance of the evidence that Officer Lockett's use of force against Alonzo Grant was objectively unreasonable in light of the circumstances confronting Officer Lockett?

_____ No

_____ Yes

If NO, proceed to question II(b).

If YES, proceed to question II(a)(iii).

- iii. Did Alonzo Grant prove by a preponderance of the evidence that he suffered some actual compensatory damages that were proximately caused by the use of force against him?

_____ No

_____ Yes

If NO, proceed to question II(b).

If YES, state amount \$_____

proceed to question II(a)(iv).

- iv. Do you award nominal damages of one dollar?

_____ No

_____ Yes,

If NO, proceed to question II(b).

If YES, proceed to question II(a)(v).

- v. Did Officer Lockett prove by a preponderance of the evidence that it was objectively reasonable for him to believe that his actions were not violating Mr. Grant's constitutional rights?

_____ Yes

_____ No

Proceed to question II(b).

b. Officer Montalto

- i. Did Alonzo Grant prove by a preponderance of the evidence that Officer Montalto used force against Alonzo Grant?

_____ No

_____ Yes

If NO, proceed to question III.

If YES, proceed to question II(b)(ii).

- ii. Did Alonzo Grant prove by a preponderance of the evidence that Officer Montalto's use of force against Alonzo Grant was objectively unreasonable in light of the circumstances confronting Officer Montalto?

_____ No

_____ Yes

If NO, proceed to question III.

If YES, proceed to question II(b)(iii).

- iii. Did Alonzo Grant prove by a preponderance of the evidence that he suffered some actual compensatory damages that were proximately caused by the use of force against him?

_____ No

_____ Yes

If NO, proceed to question III.

If YES, state amount \$_____ proceed to question II(b)(iv).

- iv. Do you award nominal damages of one dollar?

_____ No

_____ Yes,

If NO, proceed to question III.

If YES, proceed to question II(b)(v).

- v. Did Officer Montalto prove by a preponderance of the evidence that it was objectively reasonable for him to believe that his actions were not violating Mr. Grant's constitutional rights?

_____ Yes

_____ No

Proceed to question III.

III. Stephanie Grant's False Imprisonment Claim

a. Officer Lockett

- i. Did Stephanie Grant prove by a preponderance of the evidence that Officer Lockett intended to confine Stephanie Grant?

_____ No

_____ Yes

If NO, proceed to question IV.

If YES, proceed to question III(a)(ii).

- ii. Did Stephanie Grant prove by a preponderance of the evidence that Stephanie Grant was conscious of a confinement caused by Officer Lockett?

_____ No

_____ Yes

If NO, proceed to question IV.

If YES, proceed to question III(a)(iii).

- iii. Did Stephanie Grant prove by a preponderance of the evidence that she did not consent to confinement by Officer Lockett?

_____ No

_____ Yes

If NO, proceed to question IV.

If YES, proceed to question III(a)(iv).

- iv. Did Stephanie Grant prove by a preponderance of the evidence that the confinement by Officer Lockett was not otherwise privileged or justified?

_____ No

_____ Yes

IF NO, proceed to question IV.

IF YES, Proceed to question III(a)(v).

- v. Did Stephanie Grant prove by a preponderance of the evidence that she suffered some actual compensatory damages that were proximately caused her confinement?

_____ No

_____ Yes

If NO, proceed to question IV.

If YES, state amount \$ _____
proceed to question III(a)(vi).

- vi. Do you award nominal damages of one dollar?

_____ No

_____ Yes,

If NO, proceed to question IV.

If YES, proceed to question II(a)(vii).

- vii. Did Officer Lockett prove by a preponderance of the evidence that it was objectively reasonable for him to believe that his actions were not violating Ms. Grant's constitutional rights?

_____ Yes

_____ No

Proceed to question IV.

IV. Plaintiffs' Trespass/Unlawful Entry

a. Officer Lockett

- i. Did Plaintiffs prove by a preponderance of the evidence that Officer Lockett's entry into Plaintiffs' home was not justified by Officer Lockett's reasonable belief that exigent circumstances warranted his entry?

_____ No

_____ Yes

If NO, proceed to question V.

If YES, proceed to question IV(a)(ii).

- ii. Did Plaintiffs prove by a preponderance of the evidence that they suffered some actual compensatory damages that were proximately caused Officer Lockett's entry into their home?

_____ No

_____ Yes

If NO, proceed to question V.

If YES, state amount \$_____

proceed to question IV(a)(iii).

iii. Do you award nominal damages of one dollar?

_____ No

_____ Yes,

If NO, proceed to question V.

If YES, proceed to question IV(a)(iv).

iv. Did Officer Lockett prove by a preponderance of the evidence that it was objectively reasonable for him to believe that his actions were not violating the Grant's constitutional rights?

_____ Yes

_____ No

Proceed to question V.

V. Plaintiffs' *Monell* Claim

[Answer only if you have found liability as to one of the claims I – IV]

a. Did Plaintiffs prove by a preponderance of the evidence that the City of Syracuse had a custom or policy of failing to adequately train or supervise its police officers regarding excessive force to such an extent that it amounted to a deliberate indifference to the rights of those who came into contact with the City of Syracuse's employees?

_____ No

_____ Yes

If NO, proceed to the end.

If YES, proceed to question V(b).

b. Did Plaintiffs prove by a preponderance of the evidence that individual unconstitutional conduct found in response to Section I – IV were proximately caused by the custom policy or practice found above?

_____ No

_____ Yes

If NO, proceed to the end.

If YES, identify the claim to which such a policy applied

_____ False Arrest (Alonzo Grant)

_____ Excessive Force (Alonzo Grant)

_____ False Imprisonment (Stephanie Grant)

_____ Unlawful Entry (Both)

End of the Verdict Form

You now have completed this verdict form. Please notify the Court that the jury has reached its verdict.

DATE

FOREPERSON